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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,384	06/19/2003	Robert Sylvester Hinds	1	8515
26630	7590	06/16/2004	EXAMINER	
LOYD W BONNEVILLE 1213 AMSTERDAM AVE MADISON, WI 53716			SAKRAM, VICTOR N	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/600,384	HINDS, ROBERT SYLVESTER
	Examiner	Art Unit
	VICTOR N SAKRAN	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 June 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claim Objections

Claim 1, is objected to because of the following informalities: since the term “the spring biased buckles” has no proper antecedent basis in said claim. Appropriate correction is required.

Claims 2 and 4, are objected to because of the following informalities: since the terms “or” and “may be” as recited in said claims respectively, are vague and not a positive recitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 2, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rotella U. S. Patent No. 6,322,483 in view of Lyons U. S. Patent No. 4,477,947. Rotella discloses the general combination claimed of an exercise strap interconnection adjusting assembly comprising an anchoring strap (12) adapted to be wrapped about a door, adjustable strap (14), a buckle assembly (30) for releasably securing the end of the strap (12) and adjusting said strap to the desired length, wherein the free end of the strap (14) is adapted to be attached to a various objects; see Figures 2C, 4-8 11A, 12; the abstract; column 3, lines 33-40; column 4, lines 47-67, and claim 1, except for the particular use of a pair of cam-type buckles connected to each other, each of said buckles is provided with a thumb lever, and a strap adapted to be received through said buckles which is controlled by said thumb as recited in claim 1, of Applicant's device. Lyons teaches the use of a pair of cam-type buckles adapted to receive a cord or the like, each of its buckles is provided with a thumb lever for adjusting the cord or the like; see Figures 1-3; the abstract; column 1, lines 20-28, and claim 1. It would

have been obvious to one having ordinary skill in the art at the time the invention was made to provide the strap (14) in Rotella with an additional pair of cam-type buckles with thumb lever for controlling and adjusting the strap to the desired position in the manner taught, disclosed and suggested by Lyons, especially, since such modification involves only routine skill in the art.

As to the method steps as recited in claim 14, it would obviously and inherently be within the scope of the references as applied.

Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

Moreover, the particular location and/or the arrangement selected of an elements is considered to be no more than an obvious matter of design choice to one having ordinary skill within the art, especially, since it has been held that rearranging parts of an invention involves only routine skill in the art. See *In Re Japikse*, 86 USPQ 70.

As to the particular type of material used is considered no more than an obvious matter of design choice within the skill in the art, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

See *In Re Leshin*, 125 USPQ 416.

Claims 3-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 1 and 2, above, and further in view of Wallenbrock et al U. S. Patent No. 4,544,155 who teaches the use of a strap interconnection adjusting assembly provides an exercise tethering point including linkage means such as an adjustable looped strap with fastening means (hook and loop fastening means) for securing various type of exercise objects thereto; see Figures 10, 12; column 2, lines 49-51; and column 3, lines 12-21, and to further incorporate such structure (linkage means) in Rotella for securing various objects thereto in the manner taught, disclosed and suggested by Wallenbrock et al.

Claims 12 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 3-10, above, and further in view of Reda U. S. Patent No. 4,090,706 who teaches the use of cover means attached in a loop to a strap to prevent damage to any surfaces in a belt tensioning exercise device assembly ; see Figure 1; column 2, lines 28-40, and to provide the strap in Rotella with a cover means in order to perform the desired function for prevent damage to any of surfaces of its device in the manner taught, disclosed and suggested by Reda, especially, since the use of cover means for protecting the surfaces of articles is conventional and well known within the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the prior art cited herein, as showing structure related to Applicant's disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 9,2004



**VICTOR N SAKRAN
Primary Examiner
Art Unit 3677**